

HOUSE BILL 1377

By Ragan

AN ACT to amend Tennessee Code Annotated, Section
49-6-1019, relative to prohibited concepts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-1019, is amended by designating the current subsection (c) as subsection (d) and by adding the following as a new subsection (c):

(c)

(1) As used in this subsection (c), "eligible complainant" means:

(A) A student enrolled in an LEA or public charter school alleged to have violated this section;

(B) A parent or legal guardian of a student enrolled in an LEA or public charter school alleged to have violated this section;

(C) An employee of an LEA or public charter school alleged to have violated this section; or

(D) A resident of the school zone or district served by an LEA or public charter school alleged to have violated this section who has actual or constructive knowledge of the violation.

(2)

(A) An eligible complainant may file a complaint with an LEA or public charter school alleging a violation of this section.

(B) An LEA or a public charter school that receives a complaint alleging a violation of this section shall, in accordance with the rules promulgated by the department of education:

(i) Review the complaint; and

(ii) Determine whether the complaint is substantiated.

(C) The LEA or public charter school shall issue a determination required under subdivision (c)(2)(B)(ii), along with the LEA's or public charter school's rationale for the determination, in writing.

(D) The LEA's or public charter school's written determination must:

(i) Be disclosed to the eligible complainant and to the individual alleged to have engaged in conduct constituting a violation of this section;

(ii) Be published on the LEA's or public charter school's website; and

(iii) Comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232(g)); § 10-7-504; the Data Accessibility, Transparency, and Accountability Act, compiled in chapter 1, part 7 of this title; and all other relevant privacy laws.

(3)

(A) After the LEA or public charter school issues a written determination pursuant to subdivision (c)(2)(C), the eligible complainant or the individual alleged to have engaged in conduct constituting a violation of this section may appeal the LEA's or public charter school's determination to the department of education.

(B) The department shall:

(i) Review an appeal that is submitted to the department in accordance with the department's rules; and

(ii) Determine whether to uphold or overturn the LEA's or public charter school's determination under subdivision (c)(2)(C).

(C) The department shall issue a determination required under subdivision (c)(3)(B)(ii), along with the department's rationale for upholding or overturning the LEA's or public charter school's determination under subdivision (c)(2)(C), in writing.

(D) The department's written determination must:

(i) Be disclosed to the eligible complainant, the individual alleged to have engaged in conduct constituting a violation of this section, and to the respective LEA or public charter school;

(ii) Be published on the department's website; and

(iii) Comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232(g)); § 10-7-504; the Data Accessibility, Transparency, and Accountability Act, compiled in chapter 1, part 7 of this title; and all other relevant privacy laws.

SECTION 2. Tennessee Code Annotated, Section 49-6-1019, is amended by adding the following as a new subsection:

The department of education shall promulgate rules to effectuate the purposes of this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.